

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD E. WILMSHURST	)	
	)	No. 02:4-cv-0988-DFL-KJM
Plaintiff,	)	
	)	<u>ORDER</u>
v.	)	
	)	
BILL LOCKYER, ATTORNEY	)	
GENERAL, STATE OF CALIFORNIA;	)	
SUPERIOR COURT OF CALIFORNIA,	)	
COUNTY OF CALAVERAS	)	
	)	
Defendants.	)	
_____	)	

On August 8, 2005, Plaintiff, proceeding pro se, filed a motion for a temporary restraining order ("TRO") against Bill Lockyer, the attorney general of California, and the Superior Court of California for Calaveras County (collectively "Defendants"). It appears that Plaintiff seeks to prohibit Defendants from conducting any further action in People v. Wilmshurst, No. F-3229, a criminal case filed in the Superior Court of California for Calaveras County, until after a ruling issues on the Magistrate Judge's Findings and Recommendations (hereafter "F&Rs"), which were filed in this federal civil action on August 2, 2005. Plaintiff indicates the TRO is

1 necessary to preserve the status quo in Wilmshurst until a decision is  
2 issued on the above-referenced F&Rs in this federal action.

3           Plaintiff's arguments are insufficient to justify the  
4 issuance of a TRO because he fails to articulate a substantial  
5 likelihood of imminent, irreparable harm. Accordingly, Plaintiff's  
6 TRO request is denied.

7  
8           IT IS SO ORDERED.

9  
10          Dated: August 8, 2005

11                           /s/ Garland E. Burrell, Jr.  
12                           GARLAND E. BURRELL, JR.  
13                           United States District Judge  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28